

MEETING MINUTES
Board of Alcohol and Drug Counseling
July 11, 2019

1. ROLL CALL

The meeting of the Board of Alcohol and Drug Counseling was called to order by Jill Colegrove, Chair, at 9:02 a.m., in conference room Lower Level B, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

Members Present:

Christine Chasek, Member
Lori Cleveland, Vice-Chair
Jill Colegrove, Chair
Amy Eigenberg, Member
Victor Gehrig, Member
Jody Gilfillan, Member
Ian Lemmer, Member
Natasha Robinson, Member

Member Absent:

Tomeka Johnson, Secretary

Staff Present:

Kris Chiles, Licensure Unit
Mindy Lester, Assistant Attorney General
Anna Harrison, Compliance Monitor, Licensure Unit
Juan Ramirez, Independent Consultant for Center of Nursing
Matt Gelvin, Program Manager, Licensure Unit
Mark Meyerson, Investigations
Carla Cue, Investigations

New member Eigenberg was introduced; Chasek volunteered to serve as her board member mentor.

2. ADOPTION OF AGENDA

MOTION: Gehrig moved, seconded by Cleveland, to approve the agenda. A voice vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

3. APPROVAL OF MINUTES (4-11-19)

MOTION: Robinson moved, seconded by Chasek, to approve the minutes of 4-11-19. A voice vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

4. HEALTH CARE PROFESSIONALS DISCIPLINARY ACTIONS 2012 TO 2017

Gelvin, Harrison, and Ramirez provided an overview of health care professional's disciplinary actions from 2012 and 2017. Notes of interest were:

- 1339 Health Care Professionals currently being monitored based on disciplinary action (20 LADC and 27 PLADC)
- 41.7% of the 1339 are on probation, 15.1% suspended
- 240 professionals disciplined for 3 or more years (2% ADC related); most common violation substance use disorder (41.6%)
- 145 professionals disciplined for 5 or more years

- Average of 290 days (approximate 10 months) to first lapse (2012 to 2017 all professions) (42.5 days for LADC-2 individuals) and 71 days for PLADC – 4 individuals)
- ADC Demographics relating to discipline: 43% male and 57% female
- Age at time of discipline: Millennials: 17%, Generation X: 62%, Baby Boomers:21%

Slides relating to the presentation are available upon request.

Members thanked the presenters and indicated the information was very helpful.

9:43 a.m. Gelvin and Ramirez departed the meeting

5. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION **CLOSED SESSION**

9:02 a.m. - Robinson entered meeting

MOTION: Robertson moved, seconded by Lemmer, to enter into closed session at 9:44 a.m. to hear discussions of investigative/confidential nature, and for the prevention of needless injury to the reputations of the individuals. Colegrove repeated the motion purpose. A roll call vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

9:44 a.m. Gehrig departed meeting (conflict)

9:48 a.m. Gehrig returned

10:12 a.m. Meyerson and Cue departed the meeting

10:21 a.m. Chasek departed meeting (conflict)

10:23 a.m. Chasek returned

10:23 a.m. Break

10:41 a.m. Meeting resumed

MOTION: Gilfillan moved, seconded by Robinson, to return to open session at 10:41 a.m. A roll call vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

6. REVIEW, RECOMMENDATIONS AND REPORT OUT **OPEN SESSION**

a. Applications, Summary of Mail Ballot Votes and Reinstatements

Conviction Reviews:

Katelynn Hancock – PLADC Applicant

MOTION: Robinson moved, seconded by Gilfillan, to recommend issuance of the license providing the education is approved. A roll call vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

Thomas Heelan – PLADC Applicant

MOTION: Robinson moved, seconded by Cleveland, to recommend issuance of the license. A roll call vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

7. UPDATES/REPORTS

a. 2019 Legislation

LB 112: Bill waives initial licensing fees for young workers, military and low income. It was signed by the Governor on 3-21-19 and will be effective in 1.1.2020.

b. Regulation Status

Chiles reported the draft regulations, 172 NAC 15 (LADC & PLADC) and 172 NAC 16 (repeal of fees, because these fees are currently listed in 172 NAC 2), were sent to the Governor's policy research office on 6.6.2019 for review and approval to schedule a public hearing.

Chiles reported that a letter was submitted by Tom Maxson, LIMHP, LADC, SAP, MAC, regarding consideration for a change in the current LADC regulations. (copy sent to all members). Chiles continued that she had advised Maxson that the opportunity for changes in the regulations would be at the regulation's public hearing, given the regulations are currently at the Governor's office awaiting the approval to hold a public hearing.

The following provides Maxson's comments:

The current regulation requires a person to complete a 300 hour practical training which must be completed onsite with a LADC or approved physician or psychologist. The current regulation states:

The practical training supervisor:

- (a) Must not be a family member; and
- (b) Assumes responsibility for the performance of the individual in training and must be onsite at the work setting when core function activities are performed by the individual in training. (Onsite means readily accessible within the same building.)

A minimum of 1 hour of evaluative face-to-face supervision for each 10 hours of core function performance must be documented.

Supervisory methods must include, as a minimum, individual supervisory sessions, formal case staffings, and conjoint/co-therapy sessions. Supervision is to be directed towards teaching the knowledge and skills of alcohol and drug counseling.

My proposal is to either waive the 300 hour requirement for those whom currently hold an active license to practice mental health (LMHP, LIMHP, and Licensed Psychologist) or waive the onsite requirement.

Two possible options to accomplish this include adding a (d) section:

(d) for those whom currently hold an active mental health license, the onsite requirement is waived

Or

In the introduction of the section regarding supervised practical training add the following bolded words:

3. Have completed supervised practical training which:

- a. Included performing a minimum of 300 hours in the counselor core functions in a work setting where alcohol and drug counseling is provided **(this requirement is waived for those with an active mental health license)**

Rationale:

- 1) For those who hold an active license to practice mental health, alcohol and drug counseling is already in their scope of practice, thus we are diminishing their current license by requiring onsite supervision of a task they are already licensed to complete.
- 2) Individuals must still complete 2000 hours of supervision between the PLADC and LADC.
- 3) The goal of the most recent wide-scoping regulation review and revision was to reduce regulatory burden and regulatory duplication. Requiring an already licensed provider to complete a requirement originally meant to regulate and train a non-licensed/pre-licensed person appears to be regulatory duplication and an unnecessary regulatory burden.
- 4) There is a significant need for providers with a specialty in treating those with substance use disorders. Nebraska has a significant shortage of individuals with a specialty in treating substance use disorders, especially in rural Nebraska. By requiring onsite supervision the regulation inadvertently propagates this problem by furthering an undue burden to building the needed workforce.
- 5) Most recently the Behavioral Health Education Center of Nebraska (BHECN) offered grant funding for existing providers whom held a mental health license to complete the three additional courses in order to pursue licensure as a LADC. There was and continues to be significant interest in this opportunity and

numerous providers have completed the educational requirements. Unfortunately, these providers (mostly all outside of a 25 mile radius of Omaha or Lincoln) are encountering profound barriers to continue to licensure due to the on-site supervision requirement. These providers are open to supervision and desire to further their knowledge and skill to address the need for specially trained substance use disorder treatment providers. Many of these providers have reached out and expressed that it is an impossibility for them to continue to licensure due to the onsite requirements. Nearly all whom completed these courses did so via online learning as they live in rural areas. Further, nearly all are already employed in existing practices that do not have a LADC on site. It is unfortunate, but the vast majority of those who completed the courses will not likely continue to licensure nor continue with any other supervision due to the onsite requirement, this once again promoting a shortage of providers and adding to provider frustration.

In conclusion, the onsite supervision requirement is an onerous regulatory burden levied against an actively licensed individual and perpetuates the shortage of specialty providers the state desperately needs.

c. Justice Behavioral Health Committee

Gilfillan reported the following committee activities:

- Searching for individuals to fill committee member vacancies.
- Conference scheduled for October 2019.
- Integrated data system on hold.
- Starting January 2020, a new LADC Board member representative will need to be assigned. Cleveland volunteered to represent the LADC Board.
- Probation providing vouchers for medically assisted treatment.

Gehrig reported that the Governor's State Advisory Committee for Substance Abuse and Mental Health has member openings. Robinson indicated that she is interested in applying for membership on the committee.

d. International Certification & Reciprocity Consortium (IC&RC) Update

Robinson reported the following:

- The IC&RC annual meeting is scheduled for October 2019 at which time the delegates will review and finalize the By Laws and further discuss remedial education relating to applicants failing the examination.

MOTION: Colegrove moved, seconded by Gilfillan, to recommend funding for Robinson to attend the October 2019 annual meeting of IC&RC as Nebraska's delegate. A voice vote was taken. Voting aye: Chasek, Cleveland, Colegrove, Eigenberg, Gehrig, Gilfillan, Lemmer, Robinson (8). Voting nay: None (0). Absent: Johnson (1). Motion carried.

e. Reports: Disciplinary and Non-Disciplinary Action Report, License Statistics, Examination Statistics, and Administrative Fees

The Disciplinary and Non-Disciplinary Action Report beginning January 1, 2019 was circulated.

Examination Results beginning January 1, 2019: 18 pass, 4 fail

Statistics: (number of individuals holding a current license)
LADC 725
PLADC 398

8. ADJOURNMENT

The chair declared the meeting adjourned at 11:21 p.m.

Submitted by:

Tomeka Johnson, Secretary
Board of Alcohol and Drug Counseling

Summarized by:
Kris Chiles, Program Manager, Licensure Unit